

### **REMARKS**

The Final Office Action of January 17, 2007, has been considered by the Applicants. Claim 1 has been amended. Claim 17 has been cancelled. New claim 35 has been added. Claims 1, 6-16, 18, 20-27, 30, 31, and 35 remain pending. Reconsideration of the Application is requested.

Claims 1, 6-9, 14-18, 20, 24, 25, 27, 30, and 31 were rejected under 35 U.S.C. 103(a) as allegedly being obvious over Kawamura et al. (U.S. Patent Publication No. 2002/0025483) in view of Otsuka (U.S. Patent No. 5,130,222). Applicants traverse the rejection.

Claim 1 has been amended to recite a specific combination of thicknesses for the two charge transport layers. Each is at least 10 microns thick and together have a total thickness of about 25 microns. Support for this amendment can be found in paragraph [0014], at the top of page 8 of the specification. Applicants note that the total thickness limitation provides an upper limit on the thickness of each layer. Support for claim 35 can be found in the description of Example II in paragraph [0034]; this further limits the charge transport layer thicknesses.

On page 2 of the Office Action, the Examiner stated that Kawamura, in Example 5, used a thickness of 20  $\mu\text{m}$  for the first charge transport layer (CTL) and 5  $\mu\text{m}$  for the second charge transport layer. This combination is excluded by the new limitations of claim 1. Therefore, not all claim limitations are met by the combination of references. MPEP § 2143.03.

The combination of limitations on the two charge transport layers, separately and together, are not obvious. Applicants analogize the instant claims to a subgenus of the genus of charge transport layers disclosed by Kawamura. MPEP § 2144.08. Applicants submit that Kawamura provides no motivation to select the claimed subgenus and thus the instant claims are non-obvious.

Kawamura discloses, in paragraph [0253], a first CTL thickness of about 3 to about 50  $\mu\text{m}$  and a second CTL thickness of 0.15 to 10  $\mu\text{m}$ , preferably 0.5 to 5  $\mu\text{m}$ . Kawamura's examples all have a first CTL thickness of about 20  $\mu\text{m}$  and a second CTL

thickness of about 5  $\mu\text{m}$ . Applicants submit that these recitations do not motivate one to select the claimed subgenus as well.

Therefore, the instant claims are non-obvious. Applicants request withdrawal of the 103(a) rejection based on Kawamura and Otsuka.

Claims 10-13, 21-23, and 26 were rejected under 35 U.S.C. 103(a) as allegedly being obvious over Kawamura in view of Otsuka and Yuh (U.S. Patent No. 6,261,729). Applicants traverse the rejection.

The rejected claims are dependent claims. If their independent claim is non-obvious, then they are non-obvious as well. MPEP § 2143.03; *In re Fine*. Applicants do not argue their patentability separately from claim 1 at this time.

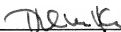
### **CONCLUSION**

Applicants submit the pending claims (1-3, 6-18, 20-27, 30, and 31) are in condition for allowance. Withdrawal of the rejections and issuance of a Notice of Allowance is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby authorized to call Richard M. Klein, at telephone number 216-861-5582, Cleveland, OH.

It is believed that no fee is due in conjunction with this response. If, however, it is determined that fees are due, authorization is hereby given for deduction of those fees, other than the issue fees, from Deposit Account No. 24-0037.

Respectfully submitted,  
FAY SHARPE LLP

  
\_\_\_\_\_  
Richard M. Klein (Reg. No. 33,000)  
1100 Superior Avenue, 7<sup>th</sup> Floor  
Cleveland, OH 44114-2579  
(216) 861-5582